

REMARKS

Claims 1-20 were examined. Applicant has amended claims 2-5, 8 and 12-19. Claim 1 is cancelled. No claims are newly presented. No new matter has been introduced.

Claim objections

The examiner has objected to claims 1, 2, 3, 5 and 16 for informalities. Applicants thank the examiner for the suggested amendments. Claims 1, 2, 3, 5 and 16 have been amended.

Claims 13-19 are objected to under 37 CFR 1.75(c) as being in improper form. Applicants have amended these claims.

Rejections under 35 USC §112

Claim 12 stands rejected under §112, second paragraph, as being indefinite.

Claims 3 and 4 are rejected under §112, second paragraph, as being indefinite.

Rejections under 35 USC §102

Claim 1 stands rejected under §102(b) as anticipated by Aceti et al (2003/0153900). This ground of rejection is respectively traversed.

Rejections under 35 USC §103

Claims 2-3 stand rejected under §103(a) as obvious over Ware et al (2002/0019747) in view of Sahay et al (4,442,972).

Claim 4 stands rejected under §103(a) as obvious over Stevens et al (2004/0176705) in view of Aceti et al (2003/09153900) in view of Luna et al (2002/0123335).

Claim 5 stands rejected under §103(a) as obvious over Bylund et al (2003/0212379) in view of Sahay et al (4,442,972).

Claims 6 and 7 stand rejected under §103(a) as obvious over Aceti et al (2003/0153900) in view of Britt, Jr (2001.0037355).

Claims 8-12 and 20 stand rejected under §103(a) as obvious over Aceti et al (2003/0153900) in view of Ware et al (2002/0019747).

These grounds of rejection are respectively traversed.

In one embodiment of the present invention, as set forth in claim 2, an analyte measurement device is provided that includes, a housing, a plurality of penetrating members positionable in the housing and a penetrating member driver configured to be coupled to penetrating members. A visual display is on the housing. The visual display has at least one visual indicator positioned next to a corresponding marking on the housing. A processor drives the visual display and runs software that is modifiable to provide a variable user interface on the visual display. The processor includes instructions for controlling the penetrating member driver and for determining that a penetrating member has contacted a skin surface.

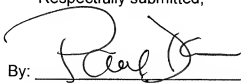
CONCLUSION

Applicants submit this to put the application in condition for allowance.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 50-4634, referencing attorney's docket no. PEL 2840.

Respectfully submitted,

Date: 2.3.10

By: 
Paul Davis, Reg. No. 29,294

GOODWIN PROCTER LLP
135 Commonwealth Drive
Menlo Park, CA 94025
Telephone:
650/752-3106
Customer No. 77845